

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: OP DEN CAMP-1

In re Application of:

Hubertus Johannes Marie OP DEN CAMP

Serial No: 10/500,872

Filed: December 6, 2004

For: FERMENTATION OF PENTOSE SUGARS

Confirmation No: 1317

Group Art Unit: 1652

Examiner: Christian L. FRONDA

Washington, D.C.

December 22, 2008

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

This IDS is being submitted in conjunction with (one or two days before) a Response and Amendment and a Rule 132 Declaration of Johannes Van Dijken. These references are NOT being cited because Applicants consider them to be material prior art against the present claims, but rather, they are being provided in support of: (a) the Rule 132 Declaration of Van Dijken, and (b) Applicants' remarks rebutting the pending rejections under § 112, first paragraph and §103(a).

[XX] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 CFR §1.114; or

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below):

- ☐ i. Counsel certifies that, upon information and belief, each item of information listed herein either was
- ☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

[XX] D. after (A), (B) and (C) above, but before payment of the issue fee and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below):

- ☐ i. Counsel certifies that, upon information and belief, each item of information listed herein either was
 - ☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
 - ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.
- [XX] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be **\$180**. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.

[XX] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached, except as explained below:

[XX] 3. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[XX] 4. **In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.**

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By: /Shmuel Livnat/
Shmuel Livnat
Registration No. 33,949

:
624 Ninth Street, N.W., Suite 300
Washington, D.C. 20001-5303
Telephone: (202)628-5197
Facsimile: (202)737-3528